

REMARKS

Claims 1-12 are pending in the present application. Claim 8 has been amended. Claims 1-12 stand rejected. The Applicants request reconsideration of the rejections based on the following comments.

Claims 1 and 2 have been rejected under 35 U.S.C. §102(b) as being anticipated by Walsh et al. (U.S. Patent No. 1,465,383). The Applicants respectfully traverse this rejection based on the following reasons.

Claim 1 features a flooring plank having a second layer that includes "a second plurality of spaced strips". In contrast, Walsh et al. teach a composite lumber wherein a number of strips are superimposed one above the other to form a plurality of layers with the grain of the wood in one layer running at an angle to the grain of the wood in the adjacent layers. Walsh et al. further teaches that each layer may be formed of a single piece or may be formed "itself of a plurality of strips or pieces shaped so as to lay snugly and closely together." (Col. 2, lines 68-70). This construction is clearly illustrated in Figure 1 of Walsh et al. showing that each layer has a plurality of strips that are placed in contact with one another. Moreover, Walsh et al. further teaches that "[t]he adjacent or contact surfaces of each layer are held together and in suitable position by any suitable means, as by an efficient cement." (Col. 2, lines 70-74). After all the layers are assembled, the block is subjected to an "enormous pressure, whereby the several component layers are . . . brought into intimate contact with each other." (Col. 2, lines 78-80). Hence, the entirety of the disclosure of Walsh et al. clearly does not teach or suggest that any of the layers have a plurality of spaced strips. Rather, the construction of the composite lumber piece taught by Walsh et al. clearly shows that strips within a layer are not spaced, but are abutting each other and are held together. Thus, the Applicants respectfully submit that Walsh et al. do not teach nor suggest all the features of claim 1, namely a plurality of spaced strips.

With respect to claim 2, this claim is believed to be allowable over the prior art of record at least by virtue of its dependency on claim 1.

Claims 3, 6, and 7 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Walsh et al. in view of Counihan (U.S. Patent No. 6,115,981). The Applicants respectfully traverse this rejection based on the following comments.

Firstly, as discussed previously, the teachings of Walsh et al. do not teach or suggest a second layer including a second plurality of spaced strips. Furthermore, the teachings of Counihan do not further teach or suggest this feature. Accordingly, the Applicants respectfully submit that the combination of Walsh and Counihan does not teach all of the elements of the claims and should be withdrawn, accordingly.

Moreover, the Office action asserts that Counihan teaches in Figure 1 and col. 2, line 62, a finished floor layer 14. However, neither Walsh nor Counihan specifically teaches or suggests a particular finish of either acrylic urethane or aluminum oxide. Accordingly, to merely assert that it would have been obvious to utilize these finish coatings without showing a specific teaching or suggestion is improper. Accordingly, the Applicants respectfully submit that this rejection is further invalid and should be withdrawn.

Claims 4 and 5 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Walsh et al. in view of Counihan. The Applicants respectfully submit that these claims are believed to be allowable at least by virtue of their dependency upon independent claim 1.

Claims 8-12 were rejected under 35 U.S.C. §103(a) as being unpatentable over Walsh et al. in view of Counihan and Wu (U.S. Patent No. 5,671,575). The Applicants respectfully traverse this rejection based on the following comments.

As discussed previously, Walsh et al. do not teach a second layer including a second plurality of spaced strips. Moreover, neither Counihan nor Wu further teach or suggest this feature of amended claim 8. Accordingly, the Applicants respectfully submit that the cited references, either combined or taken separately, do not teach or suggest all the features of claim 8.

Furthermore, the Applicants submit that it would not be obvious to one of ordinary skill in the art to combine the teachings of Walsh et al. with Wu; that is, to substitute bamboo for wood in

the composite lumber of Walsh et al. Specifically, the teachings of Walsh et al. specifically teach that soft woods such as coniferous trees are best suited for the invention of Walsh et al. due to a preponderance of strong fibers with a minimum of medullary rays and other cell formation. (See col. 1, lines 35-46). Thus, the Office action has not established or shown teachings either in the references or in the art that would motivate one of ordinary skill to substitute a grass such as bamboo for the preferable soft woods taught to be best suited for the composite lumber taught by Walsh et al. Accordingly, the Applicants further submit that the rejection of claim 8 combining Walsh et al., Counihan and Wu is without merit and should be withdrawn.

With respect to claims 9 and 10, these claims are believed to be allowable at least by virtue of their ultimate dependency on independent claim 8.

With respect to claim 11, as discussed previously with respect to claims 3 and 6, the cited references do not teach or suggest a specific finish application of acrylic urethane.

Finally with respect to claim 12, this claim is believed to be allowable at least by virtue of its chain of dependency.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "Version With Markings to Show Changes Made."

The Applicants respectfully submit that claims 1-12 are allowable over the prior art of record and request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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By

A handwritten signature in cursive script, appearing to read "Patrick B. Law", is written over a horizontal line.

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

8. A flooring plank, comprising:

a first layer comprising a first plurality of bamboo strips secured together in side-by-side relation, wherein each strip has a grain extending generally parallel to a longitudinal dimension of the plank; and

a second layer secured to one face of the first layer, wherein the second layer includes a second plurality of spaced strips each having a grain extending generally transverse to the longitudinal dimension of the plank.